

AUG 28 2006

Burden Hour Statement: This form is estimated to take 0.03 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time required to complete this form should be sent to , Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

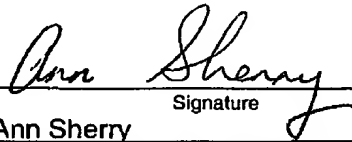
|                       |   |            |                  |
|-----------------------|---|------------|------------------|
| In re application of: | Wu, Lijun., et al                             |            |                  |
| Application No.:      | 09/870,932                                    | Group No.: | 1649             |
| Filed:                | May 30, 2001                                  | Examiner:  | Sharon L. Turner |
| For:                  | ANTI-CCR5 ANTIBODIES AND KITS COMPRISING SAME |            |                  |

Practitioner's Docket No. MPI96-027CP2RCE2M **PATENT**

## Certificate of Transmission under 37 CFR 1.8

1-571-273-8300

I hereby certify that this correspondence is being facsimiled transmitted to the  
United States Patent and Trademark Office

on August 28, 2006.  
SignatureAnn Sherry

Typed or printed name of person signing Certificate

Note: Each paper must have its own certificate of transmission, or this certificate must identify each submitted paper.

**Submitted herewith:**

|   |             |
|---|-------------|
| This Certificate of Transmission under 37 CFR 1.8 | 1 page      |
| Response Transmittal                              | 2 pages     |
| Statement in Reply to Interview Summary           | 2 pages     |
| Copy of Office communication mailed 8/04/06       | 3 pages     |
| <br>Total (including Fax Transmittal)             | <br>8 pages |

TO/SB/97 (08-00)

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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AUG 28 2006

Practitioner's Docket No. MPI96-027CP2RCE2M

PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

|                       |   |            |                  |
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Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Confirmation No. 9497

## TRANSMITTAL

1. Transmitted herewith for this application is/are:
  - a. This Transmittal (2 pages);
  - b. Statement in Reply to Interview Summary (2 pages);
  - c. Copy of Office communication mailed 8/04/06 (3 pages); and
  - d. Certificate of Transmission under 37 CFR 1.8.

## STATUS

2. Applicant is other than a small entity.

## CERTIFICATION UNDER 37 C.F.R. SECTIONS 1.8(a) and 1.10\*

I hereby certify that, on the date shown below, this correspondence is being:

## MAILING

- ☐ deposited with the United States Postal Service in an envelope addressed to Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.  
37 C.F.R. SECTION 1.8(a)

## 37 C.F.R. SECTION 1.10\*

- ☐ with sufficient postage as first class mail. ☐ as "Express Mail Post Office to Addressee"  
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Ann Sherry

(type or print name of person certifying)

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(Page 1 of 2)

Practitioner's Docket No. MP196-027CP2RCE2M


**FEE DEFICIENCY**

3. If any extension and/or fee is required, charge Account No. 501668.  
If any additional fee for claims is required, charge Account No. 501668.
4. Correspondence Address  
Direct all future correspondence to:

Customer Number 30405  
OR  
Intellectual Property Department  
MILLENNIUM PHARMACEUTICALS, INC.  
40 Landsdowne Street  
Cambridge, MA 02139

August 28, 2006

MILLENNIUM PHARMACEUTICALS, INC.

By   
Jean M. Silveri  
Registration No. 39,030  
40 Landsdowne Street  
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Telephone - 617-679-7336  
Facsimile - 617-551-8820

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Practitioner's Docket No. MPI96-027CP2RCE2M

PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

|                       |   |            |                  |
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Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

STATEMENT IN REPLY TO INTERVIEW SUMMARY

Sir:

Responsive to the Interview Summary mailed August 4, 2006, please enter the remarks below:

Remarks begin on page 2 of this paper.

---

CERTIFICATION UNDER 37 C.F.R. SECTIONS 1.8(a) and 1.10\*

I hereby certify that, on the date shown below, this correspondence is being:

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37 C.F.R. SECTION 1.8(a)

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(Page 1 of 2)

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USSN:09/870,932

Practitioner's Docket No. MPI96-027CP2RCE2M

AUG 28 2006

## REMARKS

Applicants appreciated the opportunity for the August 2, 2006 telephonic interview with Examiner Turner, which is the subject of the Interview Summary mailed August 4, 2006. Applicants subsequently discussed the interview summary for this interview with Examiner Turner during a later telephone conversation on August 24, 2006. In particular, the phrase "noting dissociation of activities with respect to inhibition of MIP-1Beta binding but not HIV viral entry," (emphasis added) was discussed. Applicants and the Examiner agreed that a different phrasing would more clearly point out that the dissociation mentioned is dissociation of inhibition of MIP-1Beta binding and HIV viral entry from each other. In addition, Applicants now note that the ATCC accession number noted for mAb 2D7 refers to the hybridoma cell line deposited with the ATCC which produces the mAb 2D7.

Accordingly, Applicants request that the Interview Summary record be amended to recite the following:

Discussed the amendment filed 7-3-06. Noted data of Roschke with respect to Figure 1 and antibodies 20, 33, 37, and 38 noting dissociation of activities with respect to inhibition of MIP-1Beta binding and but not HIV viral entry. Discussed Allaway priority document 60/019,941 and corresponding WO97/47319 with respect to 2D7 mab. The ATCC accession of the hybridoma cell line producing mab 2D7 as HB 12366 is of record with receipt of deposit dated 7-6-97.

If in the opinion of the Examiner, a telephone conference would expedite the prosecution of the subject application, the Examiner is invited to call the undersigned.

This paper is being filed within the one month period set for reply. Applicants believe no extensions of time are required. In the event any extensions of time are necessary, the undersigned hereby authorizes the requisite fees to be charged to Deposit Account No. 501668.

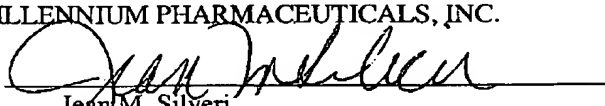
Entry of the remarks made herein is respectfully requested.

August 28, 2006

Respectfully submitted,

MILLENNIUM PHARMACEUTICALS, INC.

By

  
Jean M. Silveri

Registration No. 39, 030

40 Landsdowne Street

Cambridge, MA 02139

Telephone - 617-679-7336

Facsimile - 617-551-8820

(Page 2 of 2)

AUG 28 2006



## UNITED STATES PATENT AND TRADEMARK OFFICE

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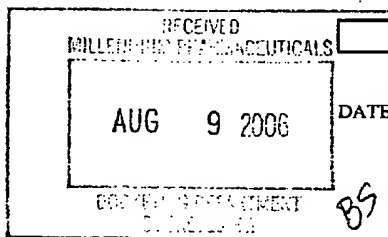
| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/870,932      | 05/30/2001  | Lijun Wu             | MPI96-027CP2RCM     | 9497             |

30405 7590 08/04/2006

MILLENNIUM PHARMACEUTICALS, INC.  
40 Landsdowne Street  
CAMBRIDGE, MA 02139

EXAMINER

TURNER, SHARON L



ART UNIT

PAPER NUMBER

1649

DATE MAILED: 08/04/2006

COPY

Please find below and/or attached an Office communication concerning this application or proceeding.

|                          |                        |  |                     |  |
|--------------------------|------------------------|--|---------------------|--|
| <b>Interview Summary</b> | <b>Application No.</b> |  | <b>Applicant(s)</b> |  |
|                          | 09/870,932             |  | WU ET AL.           |  |
|                          | <b>Examiner</b>        |  | <b>Art Unit</b>     |  |
|                          | Sharon L. Turner       |  | 1649                |  |

All participants (applicant, applicant's representative, PTO personnel):

(1) Sharon L. Turner. (3) Mario Cloutier.

(2) John Hamm 617-679-7166. (4) \_\_\_\_\_

COPY

Date of Interview: 02 August 2006.

Type: a) ☒ Telephonic b) ☐ Video Conference  
 c) ☐ Personal [copy given to: 1) ☐ applicant 2) ☐ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☒ No.  
 If Yes, brief description: \_\_\_\_\_

Claim(s) discussed: Pending.

Identification of prior art discussed: Roschke, Allaway.

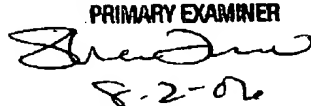
Agreement with respect to the claims f) ☐ was reached. g) ☒ was not reached. h) ☐ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: Discussed the amendment filed 7-3-06. Noted data of Roschke with respect to Figure 1 and antibodies 20, 33, 37 and 38 noting dissociation of activities with respect to inhibition of MIP-1Beta binding but not HIV viral entry. Discussed Allaway priority document 60/019,941 and corresponding WO97/47319 with respect to 2D7 mab. The ATCC accession of mab 2D7 as HB12366 is of record with receipt of deposit dated 7-6-97.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN A NON-EXTENDABLE PERIOD OF THE LONGER OF ONE MONTH OR THIRTY DAYS FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

SHARON TURNER, PH.D.  
 PRIMARY EXAMINER

  
 8-2-06

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.

Examiner's signature, if required

### Summary of Record of Interview Requirements

#### Manual of Patent Examining Procedure (MPEP), Section 713.04, Substance of Interview Must be Made of Record

A complete written statement as to the substance of any face-to-face, video conference, or telephone interview with regard to an application must be made of record in the application whether or not an agreement with the examiner was reached at the interview.

#### Title 37 Code of Federal Regulations (CFR) § 1.133 Interviews

##### Paragraph (b)

In every instance where reconsideration is requested in view of an interview with an examiner, a complete written statement of the reasons presented at the interview as warranting favorable action must be filed by the applicant. An interview does not remove the necessity for reply to Office action as specified in §§ 1.111, 1.135, (35 U.S.C. 132)

#### 37 CFR § 1.2 Business to be transacted in writing.

All business with the Patent and Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

The action of the Patent and Trademark Office cannot be based exclusively on the written record in the Office if that record is itself incomplete through the failure to record the substance of interviews.

It is the responsibility of the applicant or the attorney or agent to make the substance of an interview of record in the application file, unless the examiner indicates he or she will do so. It is the examiner's responsibility to see that such a record is made and to correct material inaccuracies which bear directly on the question of patentability.

Examiners must complete an Interview Summary Form for each interview held where a matter of substance has been discussed during the interview by checking the appropriate boxes and filling in the blanks. Discussions regarding only procedural matters, directed solely to restriction requirements for which interview recordation is otherwise provided for in Section 812.01 of the Manual of Patent Examining Procedure, or pointing out typographical errors or unreadable script in Office actions or the like, are excluded from the interview recordation procedures below. Where the substance of an interview is completely recorded in an Examiner's Amendment, no separate Interview Summary Record is required.

The Interview Summary Form shall be given an appropriate Paper No., placed in the right hand portion of the file, and listed on the "Contents" section of the file wrapper. In a personal interview, a duplicate of the Form is given to the applicant (or attorney or agent) at the conclusion of the interview. In the case of a telephone or video-conference interview, the copy is mailed to the applicant's correspondence address either with or prior to the next official communication. If additional correspondence from the examiner is not likely before an allowance or if other circumstances dictate, the Form should be mailed promptly after the interview rather than with the next official communication.

The Form provides for recordation of the following information:

- Application Number (Series Code and Serial Number)
- Name of applicant
- Name of examiner
- Date of interview
- Type of interview (telephonic, video-conference, or personal)
- Name of participant(s) (applicant, attorney or agent, examiner, other PTO personnel, etc.)
- An indication whether or not an exhibit was shown or a demonstration conducted
- An identification of the specific prior art discussed
- An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy of amendments or claims agreed as being allowable). Note: Agreement as to allowability is tentative and does not restrict further action by the examiner to the contrary.
- The signature of the examiner who conducted the interview (if Form is not an attachment to a signed Office action)

It is desirable that the examiner orally remind the applicant of his or her obligation to record the substance of the interview of each case. It should be noted, however, that the Interview Summary Form will not normally be considered a complete and proper recordation of the interview unless it includes, or is supplemented by the applicant or the examiner to include, all of the applicable items required below concerning the substance of the interview.

A complete and proper recordation of the substance of any interview should include at least the following applicable items:

- 1) A brief description of the nature of any exhibit shown or any demonstration conducted,
- 2) an identification of the claims discussed,
- 3) an identification of the specific prior art discussed,
- 4) an identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary Form completed by the Examiner,
- 5) a brief identification of the general thrust of the principal arguments presented to the examiner.  
(The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments made to the examiner can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he or she feels were or might be persuasive to the examiner.)
- 6) a general indication of any other pertinent matters discussed, and
- 7) if appropriate, the general results or outcome of the interview unless already described in the Interview Summary Form completed by the examiner.

Examiners are expected to carefully review the applicant's record of the substance of an interview. If the record is not complete and accurate, the examiner will give the applicant an extendable one month time period to correct the record.

#### Examiner to Check for Accuracy

If the claims are allowable for other reasons of record, the examiner should send a letter setting forth the examiner's version of the statement attributed to him or her. If the record is complete and accurate, the examiner should place the indication, "Interview Record OK" on the paper recording the substance of the interview along with the date and the examiner's initials.